

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

BLAKE HAMPTON WALDEN

PLAINTIFF

v.

Civil No. 05-5078

DR. MULLINS, SHERIFF KEITH FERGUSON,  
and CAPT. HUNTER PETRAY

DEFENDANTS

**ORDER**

On December 14, 2005, defendants filed a motion for summary judgment. In an effort to assist the plaintiff in responding to this motion, the court has propounded a questionnaire. The plaintiff's answers to the questionnaire will be considered by the court to be his response to the summary judgment motion.

For this reason, Blake Hampton Walden is hereby directed to complete, sign, date, and return the attached response to defendants' motion for summary judgment **on or before January 18, 2006**. Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 16th day of December 2005.

**/s/ Beverly Stites Jones**

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HON. BEVERLY STITES JONES  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

BLAKE HAMPTON WALDEN

PLAINTIFF

v.

Civil No. 05-5078

DR. MULLINS, SHERIFF KEITH FERGUSON,  
and CAPT. HUNTER PETRAY

DEFENDANTS

**RESPONSE**

TO: BLAKE HAMPTON WALDEN

These questions and answers will serve as your response to defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions. You must return this response to the court by the close of business **on January 18, 2006**.

1. On December 30, 2003, you were seen by medical professionals at the Arkansas Department of Correction (ADC), and you were diagnosed with an inguinal hernia. During your visit with ADC medical staff, you complained that you had experienced the problem for "6 month" and had seen outside physicians regarding the hernia.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 10, pp 2, 3, 5, & 6.

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2. The outside physicians you saw decided not to treat your hernia surgically.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, state what treatment you did receive from outside physicians, the names of those physicians, and when you saw each physician. Explain why you did not have your hernia treated surgically while you were not incarcerated.

3. Despite repeated complaints and protestations throughout 2004, you were never given anything for your hernia by ADC doctors other than over-the-counter pain medications, such as ibuprofen.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 10, pp. 36, 37, 83, 92, 94, 96-108.

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4. On February 1, 2005, you were booked into the Benton County Detention Center (BCDC) on parole violation, forgery, and hot check charges.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 1.

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5. On February 1, 2005, you signed a medical intake form, on which you indicated that you had a hernia at the time you were admitted to the BCDC.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 2.

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6. On March 15, 2005, you submitted your first medical request regarding your hernia. You had not made any requests or complaints about your hernia during your first month and a half at BCDC.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 4.

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7. In your March 15, 2005 medical request, you stated, "My hernia has been causing me a lot of pain and discomfort lately. Any help will be appreciated."

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 3.

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8. On March 15, 2005, the same day you submitted your medical request regarding your hernia, you also submitted an application for work detail/trustee status. On this application, you indicated that you did not "[h]ave any physical handicaps [or] surgeries [or] hospitaliz[ations] in the last twelve months" and that you were not "on any medication."

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 4.

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9. On March 16, 2005, you were seen by Dr. Neil Mullins.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 5.

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10. Dr. Mullins diagnosed you with an Inguinal Hernia, but found that "these hernias do not give a lot of pain" and concluded that "I do not see any need for any medicine at this time."

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 5.

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11. On April 10, 2005, you submitted a second medical request in which you stated, "I am have [sic] trouble with my hernia."

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 6.

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12. On April 11, 2005, you were again seen by Dr. Mullins.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 7.

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13. On April 11, 2005, Dr. Mullins told you, in response to your request for pain pills, that "in thirty-five years of medicine, I have never given pain pills for a hernia." Dr. Mullins concluded that there was "[n]o need for repair at this time."

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 7.

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14. On April 11, 2005, after meeting with Dr. Mullins, you filed a grievance in which you disagreed with the doctor's medical decision.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 8.

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15. In response to your April 11 grievance, Captain Petray stated, "I will forward this to medical. The doctor makes the medical decisions in this jail."

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 8.

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16. You were released into the custody of Washington County on June 27, 2005.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibit 9.

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17. You submitted over 50 medicals, requests, and grievances in less than five months in the BCDC.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, state how many medicals, requests, and grievances you submitted.

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18. In your time at the BCDC, you submitted only two medicals and one grievance about your hernia.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibits 3, 6, and 8. Also, attach any other grievances that you submitted concerning your hernia.

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19. You submitted no medicals, requests, or grievances in the first 1 ½ months of your incarceration at the BCDC or in the last 2 ½ months of your incarceration at the BCDC.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, refer to Defendants' Exhibits 1-9.

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20. The BCDC has a policy which requires that the Sheriff and all county deputies, jailers, and employees, including the jail doctor and nurses, to comply with all applicable law, including state and federal constitutions and the Arkansas Rules of Criminal Procedure, with regard to the care and treatment of inmate medical problems and/or any other law enforcement or detention activity.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain.

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21. Benton County policy requires county jailers to provide grievance, medical, and/or request forms whenever they are asked for by any inmate and to collect them when completed by the inmate.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain.

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22. Benton County policy provides that any and all medical problems that arise in the jail that are made known to the jailers or the administration in any manner must be referred to the jail nurse, jail doctor, or other appropriate medical professional for diagnosis and treatment.

Agree\_\_\_\_\_ Disagree\_\_\_\_\_ Without knowledge to agree or disagree\_\_\_\_\_.

If you disagree, explain.

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23. Benton County policy requires that the treatment determinations (prescriptions) made by the jail nurse, jail doctor, or other appropriate medical professional be followed without deviation by jail staff.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain.

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24. You are suing the defendants in their official capacities only.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ Without knowledge to agree or disagree \_\_\_\_\_.

If you disagree, explain. In explaining, state in what capacity you are suing the defendants (official capacity only, individual capacity only, or official and individual capacities).

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**Detail below any further response you would like to make to defendants' summary judgment motion. If you have any exhibits you would like the court to consider, attach**

them to this response.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT.

EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 200\_\_\_\_.

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## BLAKE HAMPTON WALDEN

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